

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee:	Alfred Eisenberg	Patent Number:	7,631,039
Application No.:	10/007,129	Confirmation No.:	2157
Filing Date:	December 3, 2001	Issued Date:	December 8, 2009
Examiner:	Kamal B. Divecha	Art Unit:	2151
For:	INITIATION AND SUPPORT OF VIDEO CONFERENCING USING INSTANT MESSAGING		

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT REGARDING PATENT TERM ADJUSTMENT

Dear Sir:

Applicant's undersigned attorney hereby notifies the Patent Office that the calculated patent term adjustment on the face of the above-identified patent may be longer than appropriate.

In accordance with 37 C.F.R. § 1.703(a)(4), the total period of adjustment of the term of a patent includes the determination of the number of days "beginning on the day after the date that is four months after the date an appeal brief in compliance with § 41.37 of this title was filed."

According to the U.S. Patent and Trademark Office's Patent Application Information Retrieval system (PAIR), the Patent Term Adjustment was calculated based on an Appeal Brief, filed on May 14, 2007, that was deemed defective for failing to comply with one or more provisions of 37 C.F.R. § 41.37. A Revised Appeal Brief in compliance with 37 C.F.R. § 41.37 was filed on September 17, 2007. Accordingly, the undersigned attorney believes that the patent term

adjustment, which was calculated using the filing date of the defective Appeal Brief, may be longer than appropriate.

A Request for Recalculation of Patent Term Adjustment in View of *Wyeth* is being filed concurrently herewith. The undersigned attorney will review the recalculated Patent Term Adjustment in response to the Request and, to the extent that the above-identified error has not been accounted for, applicant's undersigned attorney will request a certificate of correction pursuant to MPEP § 2733.

This error was caused by the USPTO. Accordingly, it is believed that no petition or fee is due in connection with this submission. If, however, any petition or fee is due, applicant respectfully requests that this submission be considered a petition and that the petition be granted, and applicant hereby authorizes the Director to charge any fees that may be due to Deposit Account No. 50-4207.

Respectfully submitted,

/Philip R. Poh/

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